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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,090	09/12/2003	Housh Khoshbin	3861 P 012	6592
7590	12/01/2006		EXAMINER	
James P. Muraff, Esq. WALLENSTEIN WAGNER & ROCKEY, LTD 53rd Floor 311 South Wacker Drive Chicago, IL 60606-6630			BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2612	
DATE MAILED: 12/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/661,090	KHOSHBIN, HOUSH	
	Examiner	Art Unit	
	Vernal U. Brown	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 September 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1, 3, 6-8, 10-16, 18, 20, 22, 24, 27-29, 31-3739, 41, 43, 46 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 3, 6-8, 10-16, 18, 20, 22, 24, 27-29, 31-3739, 41, 43, 46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

This action is responsive to communication filed on September 08, 2006.

Response to Arguments

Applicant's arguments with respect to claims 1,3, 6-8, 10-16, 18, 20, 22, 24, 27-29, 31-3739, 41, 43, and 46 have been considered but are moot in view of the new ground(s) of rejection.

Priority

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 09638825, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The method of providing priority Amber Alert messages was not disclosed in prior-filed application, Application No. 09638825.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 15-16, 20, 22, 36-37, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeger US Patent Application Publication 2003/0022684 in view of Johnson US Patent 6456234 and further in view of Dorenbosch et al. US Patent 6023230.

Regarding claims 1 and 22, Seeger teaches a method of providing an amber alert message to a plurality to a plurality of wireless device, the method comprising:

providing for receiving a priority amber alert message from an authority (law enforcement and providing for assigning a priority identifier provided by a signal for specifically recognized emergency situation (paragraph 059);

providing for compelling the immediate display of the priority amber alert message on the display of the wireless receiver by overriding the user's activity to enable the display of the warning message (paragraph 056). Seeger is silent on teaching the amber alert message comprises abductee name, a vehicle identification, a time, and a location and is also silent on teaching receiving the priority message on a priority channel. Johnson in an art related situational information system teaches broadcasting an amber alert message that includes any pertinent information known about the kidnapper and the abductee (col. 3 lines 51-60), the abductee name,

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a vehicle identification, a time, and a location is considered pertinent information about the kidnapper and the abductee. Johnson is also silent on teaching the priority message on a priority channel. Dorenbosch et al. in an art related selective messaging system teaches assigning priority to a message channel (col. 4 lines 1-15) so that a priority message can be readily received, process, and displayed.

It would have been obvious to one of ordinary skill in the art to modify the warning notification system of Seeger as disclosed by Johnson in view of Dorenbosch et al. because the display of the abductee name, a vehicle identification, a time, and a location is considered pertinent information about the kidnapper and the abductee that will aid in the fast recovery of the abductee and the apprehension of the kidnapper. The priority channel further ensures that the amber alert message is readily receive by the wireless display device.

Regarding claims 15-16 and 36-37, Seeger teaches the messages are distributed to the wireless devices in a particular geographical area (paragraph 048) and the geographical area includes a local area (paragraph 036).

Regarding claims 20 and 41, Seeger teaches formatting a priority alert amber alert message to the plurality of wireless devices (paragraph 039).

Claims 3 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeger US Patent Application Publication 2003/0022684 in view of Johnson US Patent 6456234 in view of Dorenbosch et al. US Patent 6023230 and further in view of Hymel U.S Patent 6353382.

Regarding claims 3 and 24, Seeger teaches a method of providing an amber alert message to a to a plurality of wireless device (paragraph 059) but is silent on teaching the priority identifier comprises a network address. Hymel in an art related wireless device teaches the

address of the wireless device is used to determine the parameters associated with the wireless device and the parameter associated with the device includes the priority settings (col. 2 lines 55-60, col. 4 54-60).

It would have been obvious to one of ordinary skill in the art to modify the warning notification system of Seeger in view of Johnson in view of Dorenbosch et al. as disclosed by Hymel because the network address provides a reliable means for directing the alert message to a particular wireless device.

Claims 6-8, 10-12, 18, 27-29, 31-33, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeger US Patent Application Publication 2003/0022684 in view of Johnson US Patent 6456234 in view of Dorenbosch et al. US Patent 6023230 and further in view of Burgan et al. U.S Patent 6351656.

Regarding claims 6-8, 27-29, Seeger teaches a plurality of wireless devices receiving and displaying an amber alert message (see response to claim 1) but is silent on teaching storing the priority amber alert message and the wireless device tracks whether the priority amber alert message has been displayed. Burgan et al. in an art related wireless device teaches displaying the priority message on the display of wireless device (col. 3 lines 11-15) and storing the priority message received on the priority channel in a priority state within the wireless device (col. 2 line 54-65).

It would have been obvious to one of ordinary skill in the art to modify the warning notification system of Seeger in view of Johnson in view of Dorenbosch et al. as disclosed by Burgan because storing the priority message received on the priority channel in a priority state

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within the wireless device allows the priority message to be recall from memory by the user of the wireless device.

Regarding claims 10-12, 31-32, Seeger teaches the display of the priority amber alert message on the display of the wireless receiver by overriding the user's activity to enable the display of the warning message (paragraph 056) but is silent on teaching displaying the alert message base on the activity of the user. Burgan et al. in an art related wireless device teaches displaying the priority message in response to the input from the user control 116 (col. 2 lines 38-41) and also teaches displaying a graphic (icon) on the display screen (col. 3 line 51-col. 4 line 5).

It would have been obvious to one of ordinary skill in the art to modify the warning notification system of Seeger in view of Johnson in view of Dorenbosch et al. as disclosed by Burgan because the user controls allows the user to recall the priority message for obtaining additional information.

Regarding claims 18, 33, 39, Seeger teaches a wireless device receiving a priority message from an Amber Alert system (*see response to claim 1*) but is silent on teaching receiving a graphic from the Amber Alert system. Burgan et al. in an art related wireless device teaches displaying the priority message on the display of wireless devices (col. 3 lines 11-15) and teaches displaying a graphic (icon) on the display screen (col. 3 line 51-col. 4 line 5).

It would have been obvious to one of ordinary skill in the art to modify the warning notification system of Seeger in view of Johnson in view of Dorenbosch et al. as disclosed by

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Burgan because displaying a graphic (icon) on the display screen serve as a reliable means of inform the user that a priority message has been.

Claims 13-14 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeger US Patent Application Publication 2003/0022684 in view of Johnson US Patent 6456234 in view of Dorenbosch et al. US Patent 6023230 in view of Burgan et al. U.S Patent 6351656 further in view of Hymel et al. U.S Patent 6157814.

Regarding claims 13-14 and 34-35, Seeger in view of Johnson in view of Dorenbosch et al. in view of Burgan et al. teaches using graphic to indicate priority messages (*see response to claim 12*) but is silent on teaching the graphic is an advertising logo and a sponsor message. Hymel et al. in an art related wireless device invention teaches the use of an advertising logo that include a sponsor message for indicating a message received at a wireless device (col. 3 lines 7 – 12 and col. 3 lines 45-47).

It would have been obvious to one of ordinary skill in the art to use an advertising logo and a sponsor message to indicate a priority message in the wireless device of Seeger in view of Johnson in view of Dorenbosch et al. in view of Burgan et al. because this provides instant recognition of the source of the page

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seeger US Patent Application Publication 2003/0022684 in view of Dorenbosch et al. US Patent 6023230.

Regarding claim 43, Seeger teaches a method of providing an amber alert message to a plurality to a plurality of wireless device, the method comprising:

providing for receiving a priority amber alert message from an authority (law enforcement and providing for assigning a priority identifier provided by a signal for specifically recognized emergency situation (paragraph 059);

providing for compelling the immediate display of the priority amber alert message on the display of the wireless receiver by overriding the user's activity to enable the display of the warning message (paragraph 056). Seeger is silent on teaching receiving the priority message on a priority channel. Dorenbosch et al. in an art related selective messaging system teaches assigning priority to a message channel (col. 4 lines 1-15) so that a priority message can be readily received, process, and displayed.

It would have been obvious to one of ordinary skill in the art to modify the warning notification system of Seeger as disclosed by Dorenbosch et al. because the priority channel ensures that the amber alert message is readily receive by the wireless display device.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seeger US Patent Application Publication 2003/0022684 in view of Dorenbosch et al. US Patent 6023230 and further in view of Burgan et al. U.S Patent 6351656

Regarding claim 46, Seeger teaches the display of the priority amber alert message on the display of the wireless receiver by overriding the user's activity to enable the display of the warning message (paragraph 056) but is silent on teaching displaying the alert message base on the activity of the user. Burgan et al. in an art related wireless device teaches displaying the priority message in response to the input from the user control 116 (col. 2 lines 38-41).

It would have been obvious to one of ordinary skill in the art to modify the warning notification system of Seeger in view of Dorenbosch et al. as disclosed by Burgan because the user controls allows the user to recall the priority message for obtaining additional information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Verhal Brown

November 25, 2006